

REMARKS

In the Office Action¹ the Examiner rejected claims 1-16 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,578,015 to Haseltine et al. ("*Haseltine*") in view of U.S. Patent Application Publication No. 2005/0192896 to Hutchinson et al. ("*Hutchinson*") and in further view of U.S. Patent Application Publication No. 2005/019289 to Ensel et al. ("*Ensel*"). The Examiner also rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Haseltine* in view of *Hutchinson*, in further view of *Ensel* and in further view of U.S. Patent No. 6,421,067 to Kamen et al. ("*Kamen*").

By this amendment, Applicant cancels claims 1-20 and adds new claims 22-44. New claims 22-44 generally correspond to cancelled claims 1-20 and present the subject matter of the cancelled claims in better form. Support for the amendments can be found in the claims as originally filed and in the specification at, for example, page 10, lines 1-8 and lines 25-30. Claims 22-44 are pending.

Rejections Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claim 1, insofar as it may be considered to apply to claim 22, under 35 U.S.C. §103 as being obvious from *Haseltine* in view of *Hutchinson* and *Ensel*. A *prima facie* case of obviousness has not been established.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." *M.P.E.P.* § 2142, 8th Ed., Rev. 7 (July 2008)(internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." *M.P.E.P.* § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." *M.P.E.P.* § 2141(III). Here, no *prima facie* case of obviousness has been established for at least the reason that the scope and content of the prior art have not been properly determined nor have the differences between the claimed invention and the prior art been properly ascertained.

Independent claim 22 calls for a combination including, for example:

in response to instructions received from a selected one of the consumer terminals, to create at least two bill portfolios for the selected one of the consumer terminals, the two portfolios corresponding to different aspects of a financial profile of a consumer associated with the selected one of the consumer terminalsS

The cited art, alone or in combination, fails to disclose or suggest at least this element of Claim 22.

On page 4 of the Office Action, the Office Action correctly concedes that "Haseltine and Hutchinson do not explicitly teach that the portal interface is configured

by an individual consumer and is accessed and viewed by the consumer on any device in any location in actual, electronic or virtual space, using any network or communication system." However, the Office Action alleges that *Ensel* discloses these claimed features. Even this assertion were correct, which the Applicant does not concede, also fails to teach at least the element of claim 22 set forth above.

Ensel discloses an "Electronic Account Presentation and Response System and Method" (title). *Ensel* discloses in column 3 lines 55-57 an Information Interface Provider (IIP) that:

In its central function [...] creates and publishes bills to the biller's customers **in response to data provided by the billers** (emphasis added)

Ensel discusses the processes of "user enrollment" and "bill activation" from column 15 line 49 - column 16, line 59. More particularly, *Ensel* discloses in column 16, lines 16-18 that "in step 420 the customer 80 enrolls and/or requests bill activation with respect to one or more billers 5." In column 16, lines 33-38, *Ensel* further discloses that activation requests "must contain at least some subset of the data from the customer 80 [...] the Enrollment database." However, there is simply no teaching in *Ensel* of portfolios of activation requests or bills, much less a "plurality of bill portfolios for the consumer" created during enrolment or bill activation. Therefore, *Ensel* fails to teach, disclose or suggest at least:

in response to instructions received from a selected one of the consumer terminals, to create at least two bill portfolios for the selected one of the consumer terminals, the two portfolios corresponding to different aspects of a financial profile of a consumer associated with the selected one of the consumer terminals

as recited in new claim 22.

In view of the deficiencies of the prior art set forth above, the Office has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided insufficient motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 1 under 35 U.S.C. §103 as being obvious from *Haseltine* in view of *Hutchinson* and *Ensel*, insofar as it may apply to newly added claim 22, is thus improper and should be withdrawn. The rejection under 35 U.S.C. §103 of claim 8, insofar as it applies to the newly added independent claim 31, should be withdrawn for at least the reasons given above with respect to claim 22 since claim 31 recites similar elements as above.

Moreover, rejections under 35 U.S.C. §103 of claims depending or ultimately depending from independent claims 22 and 31 are also improper for at least reasons given above with respect to the independent claims.

Applicant respectfully traverses the rejection of dependent claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Haseltine* in view of *Hutchinson*, in further view of *Ensel* and in further view of *Kamen*, insofar as it applies to newly added claim 41.

Claim 41 ultimately depends from Claim 31 and thus include all the elements thereof. As set forth above, none of *Haseltine*, *Hutchinson* or *Ensel* teach or suggest at least:

in response to instructions received from a selected one of the consumer terminals, to create at least two bill portfolios for the selected one of the consumer terminals, the two portfolios corresponding to different aspects of a financial profile of a consumer associated with the selected one of the consumer terminals

as recited in Claim 31 and, therefore, included in claim 41.

The Office asserted that *Kamen* teaches "wherein said portal interface element is configured for said consumer to modify, online, the format in which information is presented to said consumer on a visual interface." Even if this assertion were correct, which Applicant does not concede, *Kamen* still fails to teach or suggest the above-quoted elements recited in Claim 31 and included in Claim 41. Thus *Kamen* does not compensate for the deficiencies of *Haseltine*, *Hutchinson* and *Ensel*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no prima facie case of obviousness has been established. The rejection of dependent claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Haseltine* in view of *Hutchinson* and in further view of *Ensel* and in further view of *Kamen*, insofar as it applies to the newly added claim 41, is thus improper and should be withdrawn.

CONCLUSION


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: November 16, 2010

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